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**CLERK, U.S. DISTRICT COURT
DISTRICT OF NEVADA**

UNDER SEAL

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

IN THE MATTER OF THE APPLICATION §
OF THE UNITED STATES FOR AN ORDER § CCA 171XX, LDG
AUTHORIZING THE ROVING INTERCEPTION § (FIELD CASE)
OF ORAL COMMUNICATIONS §

UNDER SEAL: ATX's AND THE UNITED STATES' STIPULATION TO EXTEND TIME
TO FILE A NOTICE OF APPEAL FOR THIRTY DAYS UNTIL MARCH 21, 2002

ATX Technologies, Inc. ("ATX") and the United States of America stipulate, pursuant to Fed. R. App. P. 4(a)(5)(A)(ii), to extend the time to file a notice of appeal from this Court's order dated December 21, 2001, for thirty days. Under Fed. R. App. P. 4(a)(1)(B) the parties currently have sixty days to appeal this Court's December 21, 2001 order, or until February 19, 2002. Therefore, the Untied States and ATX stipulate that they may have until March 21, 2002 to file a notice of appeal. ATX and the United States state that there is good cause for this extension as

1 follows:

- 2 1. This matter arises out of a series of consecutive requests by the United States for
3 continuing orders allowing roving interceptions of oral communications pursuant
4 to 18 U.S.C. § 2518, utilizing ATX's technology.
- 5 2. On October 22, 2001 This Court granted the United States' first request for an
6 order compelling ATX to allow interception of oral communications.
- 7 3. This Court granted the United States additional orders compelling ATX to
8 continue to allow the United States to intercept oral communication on November
9 21, 2001, December 10, 2001, January 11, 2002 and most recently on February
10 11, 2002.
- 11 4. On December 20, 2001, ATX filed a Motion to Quash the Court's December 10,
12 2001 order.
- 13 5. On December 21, 2001, this Court held a hearing on ATX's Motion to Quash. On
14 that same day this Court denied ATX's Motion to Quash and ordered ATX to
15 comply with the December 10, 2001 order.
- 16 6. While disputing the orders and pursing its procedural rights and remedies, ATX
17 fully complied with all of the orders, of this Court including full cooperation with
18 the United States.
- 19 7. After the hearing on December 21, 2001, ATX discovered additional information
20 that might effect this Court's decision regarding ATX's Motion to Quash.
- 21 8. Therefore, on February 8, 2002, ATX filed a Motion to Reconsider this Court's
22 December 21, 2002 Order and Motion to Quash the January 11, 2002 Order
23 (together "Motion to Reconsider").
- 24 9. The United States and ATX wish to fully brief and investigate all of the issues
25 raised by ATX's February 8, 2002 Motion to Reconsider; however, given the
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short period of time prior to the February 19, 2002 deadline to file a notice of appeal, ATX and the United States believe that it will be difficult or impossible for the parties to fully brief, and this Court to fully consider, all of the issues raised by ATX's Motion to Reconsider.

10. Therefore, the United States and ATX believe that in the interest of justice, and in
order to create the best possible record for any appeal of this matter, there is good
cause for this Court to grant a thirty day extension for either party to file a notice
of appeal pursuant to Fed. R. App. P. 4(a)(5)(A)(ii).
11. If the Court grants this thirty day extension, the United States and ATX propose
that the Court enter a scheduling order requiring the United States to file an
opposition, if it so desires, to ATX's Motion to Reconsider on or before February
28, 2002, and ATX, if it so desires, will file a reply memorandum in support of its
Motion to Reconsider on or before March 7, 2002. The parties believe that this
proposed schedule will give them adequate time to investigate and brief all of the
issues raised by ATX's Motion to Reconsider.
12. Finally, the Court may wish to consider ATX's Motion to Reconsider at a hearing
at such time as to allow the Court sufficient time to rule before March 21, 2002.

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1 13. The Court may enter an order consistent with this stipulation.

2 OFFICE OF THE UNITED STATES
3 ATTORNEY

4 By 

5 ERIC JOHNSON
6 KATHLEEN BLISS
7 Attorney for the United States of America
Dated: 2-13-02

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